

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

NO. 2:18-CR-20057

JARED WEATHERLY,

Defendant.

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SENTENCING HEARING

BEFORE THE HONORABLE JOHN T. FOWLKES, JR., JUDGE

MONDAY

19TH DAY OF NOVEMBER, 2018

LISA J. MAYO, CRR, RMR  
OFFICIAL REPORTER  
FOURTH FLOOR FEDERAL BUILDING  
MEMPHIS, TENNESSEE 38103

A P P E A R A N C E S

Appearing on behalf of the Plaintiff:

MR. J. WILLIAM CROW  
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Appearing on behalf of the Defendant:

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1 MONDAY

2 November 19, 2018

3 The sentencing hearing in this case began on this  
4 date, Monday, 19th day of November, at 12:08 p.m., when and  
5 where evidence was introduced and proceedings were had as  
6 follows:

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8  
9 **THE COURT:** Just for the record, this is United  
10 States versus Jared Weatherly, set today for sentencing. Are  
11 both sides ready to proceed?

12 **MR. CROW:** Yes, Your Honor.

13 **MR. GERALD:** Yes, Your Honor. Thank you.

14 **THE COURT:** Okay. Presentence Report has been  
15 prepared. I have reviewed it. There's a sentencing  
16 recommendation that I've also reviewed. Both sides have  
17 filed position papers, sentencing memoranda. I've reviewed  
18 that material as well. There's a plea agreement the parties  
19 entered into, and I'll make the final decision about the plea  
20 agreement shortly.

21 As I normally do, I'd like to go through the  
22 calculations first so that we get our starting point in  
23 place. I don't know that there are any objections that we  
24 need to take up. I think there were several things that  
25 Defense wanted clarified, but I'll double check with the

1 parties once we get our starting point in place, and so, I'd  
2 like to go ahead and start at this time.

3           The calculations begin on Page 8 of the  
4 Presentence Report at Paragraph 24. Of course, this is  
5 conspiracy to possess with intent to distribute that long  
6 word, methylenedioxymethamphetamine. The base offense level  
7 because of the quantity of the MDA -- MDMA is placed at 14.  
8 It is a two-level upward adjustment because a firearm was  
9 found I believe in a vehicle that the Defendant had occupied  
10 just prior to the events taking place. That gives us an  
11 adjusted offense level of 16. Assuming the Government makes  
12 motion on behalf of the Defendant with regard to acceptance  
13 of responsibility, there will be a three-level downward  
14 adjustment.

15           I need to know if the Government is making that  
16 motion?

17           **MR. CROW:** We are, Your Honor.

18           **THE COURT:** Okay. That gives us a total offense  
19 level of 13. We see at Page 10, Paragraph 37 Defendant has  
20 no criminal history. It's zero. And so the criminal history  
21 category becomes a 1.

22           Finally, we page over to Page 18, Paragraph 81,  
23 base offense -- total offense level of 13, criminal history  
24 category of 1, gives rise to a sentencing range of 12 to  
25 18 months. Okay. I need to double check with Probation and

1 make sure that's accurate.

2 **PROBATION:** Correct, Your Honor.

3 **THE COURT:** All right. Thank you.

4 I need to know if there are any objections and  
5 also whether or not the calculations are correct. First, the  
6 Government?

7 **MR. CROW:** Yes, Your Honor, they are correct. No  
8 objections.

9 **THE COURT:** All right. Thank you.

10 And the Defense?

11 **MR. GERALD:** Your Honor, I want to make sure, I  
12 don't know if the Court planned on talking about the safety  
13 valve reduction but he is eligible. The Government doesn't  
14 object, and that would change I believe that 12 to 18 months  
15 if I'm not incorrect to 10 to 16.

16 Is that it, Mr. Grandberry, if I may?

17 **PROBATION:** Yes.

18 **THE COURT:** Hold on just a moment.

19 **MR. GERALD:** It would be 10 to 16 months, Your  
20 Honor. And if I could, Your Honor, I'm referring to the  
21 addendum.

22 **THE COURT:** The addendum sets out the safety  
23 valve, the top of Page 2, I believe. Assuming the safety  
24 valve were included, we would end up with a total offense  
25 level of 12 and the 10 to 16 months that you made reference

1 to.

2 **MR. GERALD:** That is.

3 **THE COURT:** Okay.

4 **MR. GERALD:** That would be -- other than that, we  
5 have no objections.

6 **THE COURT:** All right. And I'm assuming the  
7 Government doesn't have any objection to that?

8 **MR. CROW:** We do not object, Your Honor.

9 **THE COURT:** All right. Before we move on, would  
10 the safety valve apply if a firearm was involved?

11 **MR. CROW:** That was one of my concerns about  
12 this, Your Honor, and I was waiting to see how Probation came  
13 down on it.

14 I think it says if a firearm was possessed then  
15 the safety valve does not apply, but I'm happy to go along  
16 with however Probation reads that, what it's supposed to  
17 mean, whether it means the Defendant personally has to have  
18 it or someone else has to have it.

19 **MR. GERALD:** Your Honor, if I may, the facts  
20 would indicate that the firearm was possessed by Mr. Silas,  
21 was never in the possession of Mr. Weatherly, and at the end  
22 of the day was thrown into the back seat to the third  
23 co-defendant. I can't remember her name. I apologize.

24 But Mr. Weatherly, per his statement, never  
25 possessed -- and per the co-defendants never possessed the

1 firearm. There's some -- there's some argument that he was  
2 not completely aware that the firearm was even in the car  
3 until the arrest occurred.

4 **THE COURT:** This brings about another question in  
5 this case. Government chose not to proceed with 924(c). I  
6 think I'm going to need to hear about that because of the  
7 facts that are set out in the Presentence Report. If y'all  
8 could turn to Page 7.

9 Paragraph 18 talks about the interview that the  
10 officers had with the Defendant. You see the very last  
11 sentence on the -- last full sentence and then continuing on  
12 to Page 8. "Prior to their arrival at Wendy's, Weatherly  
13 spoke to the subject to discuss a price because Silas would  
14 not talk with him. The agreed-upon price was \$8 per ecstasy  
15 tab. Total of \$800. Weatherly advised that Silas had a  
16 firearm between his legs when Weatherly exited the vehicle  
17 and entered the undercover officer's vehicle."

18 I need to inquire of the Government about how  
19 we're proceeding in this case.

20 **MR. CROW:** Your Honor, is your question as to  
21 whether or not -- or why we didn't charge 924(c)?

22 **THE COURT:** Yes, sir. That's one of the  
23 questions.

24 **MR. CROW:** Yes, Your Honor.

25 **THE COURT:** And then also the safety valve.

1           **MR. CROW:** Yes, Your Honor. I would not have  
2 charged 924(c) in this case against Mr. Weatherly because I  
3 do not -- he did not actually have possession of that  
4 firearm.

5           **THE COURT:** Aiding and abetting, though.  
6 Normally that happens in these cases that I've seen in other  
7 federal prosecutions.

8           **MR. CROW:** Yes, Judge.

9           **THE COURT:** He knew about it. He was the one  
10 negotiating the offense, went there with the undercover. So  
11 how can we -- how can we not go with 924(c), and because he  
12 did not possess it, how can we go with the two-level upward  
13 adjustment for presence of the firearm?

14           **MR. CROW:** Yes, Your Honor. I understand.

15           I did not think the proof was there against  
16 Mr. Weatherly. I did charge Mr. Silas with the 924(c) in  
17 this case. I thought that was warranted. Yeah. I did not  
18 think the Government could prove the charge or I would have  
19 included it.

20           As to the safety valve issue, the agreement is  
21 that I would not object if Probation found it to be  
22 applicable. I think they're finding to be applicable in this  
23 case so I'm not going to object, but I do understand the  
24 Court's concern with the firearm being present. That was my  
25 major concern as well entering into that agreement as to



1 whether or not they were going to consider that to be -- you  
2 know, whether the firearm was possessed because it just says  
3 was possessed. I don't think it says who has to possess it.  
4 So that's where we are.

5 **THE COURT:** Mr. Gerald, anything?

6 **MR. GERALD:** Your Honor, I recall -- and I  
7 apologize; I can't locate it right now, but I recall the  
8 statement or something in the discovery that Mr. Weatherly  
9 prior to them arriving on the scene had advised Mr. Silas,  
10 don't bring that gun or something along those lines,  
11 discouraged him from bringing the gun; and up until the time  
12 that he stepped out of the car to meet with the undercover  
13 officer, it was Mr. Weatherly's belief up until that very  
14 moment that Mr. Silas did not bring the firearm. So I just  
15 can't find that statement in the facts.

16 **THE COURT:** Well, we'll be in recess and give you  
17 an opportunity to find it because I haven't decided how we're  
18 proceeding today.

19 **MR. GERALD:** Very well.

20 **THE COURT:** This is another situation where a  
21 white defendant appears to have been treated differently than  
22 African-Americans, and I'm concerned about how we're  
23 proceeding in this case. The more serious offense was not  
24 charged, whereas similar facts I believe have been charged  
25 with African-Americans; and then when there's small

1 quantities of controlled substance 924(c) is charged and  
2 sometimes the Government agrees to drop the drug charges, and  
3 the individual ends up with a 60-month sentence.

4           So I'm not sure how we're going to proceed with  
5 this case, whether I can accept the plea agreement, and  
6 whether we need to set the plea aside and move forward.  
7 We'll be in recess.

8           **THE CLERK:** Court stands in recess.

9           **THE COURT:** Let me know when y'all are ready.

10          **MR. CROW:** Yes, Your Honor.

11          (Brief Recess.)

12          **THE COURT:** Okay. Mr. Gerald?

13          **MR. GERALD:** Your Honor, just to start out, you  
14 had requested that if I found this paperwork, what I actually  
15 was remembering was -- and I'll pass that to the Court -- is  
16 the affidavit that Mr. Weatherly submitted to the Government  
17 and Probation as his role in the offense and so forth in  
18 relation to the safety valve in which he said toward the end  
19 there, Your Honor, that he had discouraged Mr. Silas from  
20 bringing the gun and actually had thought that he had not  
21 brought the gun until the very last minute.

22          **THE COURT:** When was this affidavit given?

23          **MR. GERALD:** Your Honor, I believe Mr. Weatherly  
24 signed that affidavit a few days ago, didn't he?

25          The way it worked was he was in Texas, he

1 e-mailed me an e-mail, and then that was a while back with  
2 that statement. And then when he was transported into  
3 Memphis under the marshals' care, I went and met with him in  
4 Mason, printed out the e-mail in that form and he signed it.

5 So the affidavit was signed just last week or  
6 earlier -- yeah, last week -- but would have actually been  
7 written a good while back, and I can give you the exact date  
8 if you want me to look on my phone as to when I received the  
9 e-mail.

10 Your Honor, that e-mail was received by me from  
11 Mr. Weatherly on October 14th of this year.

12 **THE COURT:** From Mr. Weatherly?

13 **MR. GERALD:** That's correct.

14 I asked him to submit an affidavit or a statement  
15 of his role in the offense for purposes of the request for  
16 the safety valve.

17 **THE COURT:** Mr. Crow?

18 **MR. CROW:** Yes, Your Honor.

19 First, I want to apologize to the Court if it's  
20 ever appeared that I've -- I or anyone in our office have  
21 prosecuted cases on anything but a race-neutral basis. It's  
22 my policy to charge these cases when we think we can prove  
23 it. I've charged white people and black people with minimum  
24 sentences, some in your court.

25 In fact, William Smith is an individual who you

1 sentenced probably six months ago. He was charged with  
2 924(c) and methamphetamine, and we ended up getting -- he  
3 ended up getting 96 months, which was what the Government's  
4 recommendation was in that case. So I've never viewed it  
5 that black people should get more than white people or vice  
6 versa. Five years is a long time for anyone to get, and it's  
7 a -- I think it would be inappropriate and unprofessional to  
8 charge people with something that I don't think I can prove.

9 In this case in particular, this defendant has  
10 two co-defendants, Tiffany Tekle and Mario Silas. Mario  
11 Silas is the only one I charged with 924(c). Tiffany Tekle  
12 is also African-American. I did not charge her. I thought  
13 about it but at the end of the day I can't prove it. And she  
14 was actually found with the gun in her hand or behind her  
15 when the police went in, arrested everyone. So I would say  
16 she's even more culpable than this defendant who only saw the  
17 firearm.

18 Same thing with Mario Silas's companion case. He  
19 was charged together with Kenny Fox and Jonathan Shelton.  
20 That's not this case, but I think it's one number different  
21 under the case numbers. It's 56 and 57 are his two companion  
22 cases.

23 They're both African-Americans. They're both  
24 found with small amounts of drugs in a car in that case. I  
25 didn't charge anybody with a 924(c) because I don't think I

1 could prove it.

2           So yeah, anyway, again, I apologize to the Court  
3 if you've ever thought that I or anyone in our office is  
4 taking race into account in what we charge because that's  
5 just not the truth.

6           **THE COURT:** Mr. Crow, I know it's a serious  
7 question that I bring up. We have an individual here who was  
8 involved in the drug deal, and I understand the statement  
9 that he gave just a couple of weeks ago, the affidavit, but  
10 it still doesn't cure the problem that's in the statement of  
11 facts in Paragraph 18. When he got out of the car to do the  
12 drug deal, the co-defendant who got charged with the 924(c)  
13 had the gun between his legs. How do you charge -- for the  
14 same drug offense, how do you charge one person and not the  
15 other? How do you charge the person sitting in the car and  
16 not the person who does the deal?

17           I understand you don't feel you had enough proof  
18 to even proceed on aiders and abettors, but it's a difficult  
19 question for me, I'll tell you. You know, I don't like  
20 accusing -- I'm not accusing anyone, but this is not the  
21 first time that we've had this conversation even. I had a  
22 similar conversation with Ms. Parks last week or the week  
23 before last.

24           All right. We're going to go ahead and proceed.  
25 I'll hear the recommendations from everyone, but as I always

1 do, I'll make an independent decision about what the sentence  
2 should be in this case.

3           You're remaining with your no objection to the  
4 safety valve?

5           **MR. CROW:** Yes, Your Honor. Your Honor, that's  
6 just a recommendation --

7           **THE COURT:** In light of the fact he says the  
8 co-defendant had the gun between his legs when he gets out of  
9 the car to do the deal?

10          **MR. CROW:** Your Honor, it's just my job to  
11 recommend. I think if you don't want to give him the safety  
12 valve that's certainly in your power to do that, Judge.

13          **THE COURT:** You also have to answer my questions  
14 about the decisions that you make and your thought process  
15 behind the decision.

16          **MR. CROW:** Yes, Judge.

17                So I did struggle with that because it says with  
18 a firearm was possessed I think is again what the guidelines  
19 say. I've not gotten any clear guidance anywhere I can find  
20 where it says who has to possess the firearm. I was hoping  
21 Probation would, you know, let us know one way or the another  
22 what they thought about it. I think they're saying he should  
23 still get the safety valve despite that fact, and that's who  
24 I was trying to rely on.

25                Maybe they're wrong. Maybe I'm wrong, and I know

1 you'll tell me if I am.

2           **THE COURT:** As you always know the Court of  
3 Appeals is looking over my shoulder right now. So let me  
4 hear from Probation.

5           **PROBATION:** Yes, Your Honor. I believe that when  
6 we consider the safety valve and looked at 5C1.2(a)(2), we  
7 were looking primarily at the plain language of the  
8 guidelines which says the defendant did not use violence or  
9 threats of violence or possess a firearm or other dangerous  
10 weapon in connection with the offense.

11           So in the plain language of it was -- is just  
12 that the Defendant did not do that. So I believe that's what  
13 the probation officer was looking at.

14           **THE COURT:** Thank you.

15           Well, I'm going to deny the safety valve in this  
16 case. I just think it's totally inappropriate given the  
17 facts that have not been objected to in the Presentence  
18 Report. I mean, there are certain clarifications that were  
19 presented by the Defense, but as far as Paragraph 18 is  
20 concerned, there were no objections and based upon that, I  
21 disagree with Probation as well as the Government and the  
22 Defense. It is inappropriate to the apply the safety valve  
23 in this case in light of the fact that it was a drug deal and  
24 the Defendant knew that the firearm was present in a  
25 co-defendant's possession when he exited the vehicle and

1 entered the undercover officer's vehicle as is set out in  
2 Paragraph 8. There was a firearm that was used in this, and  
3 it's clear to this Court an aider and abetter situation.

4 I'm still not convinced about the decision that  
5 the Government makes, but I mean that's the Government's  
6 decision as far as prosecutorial discretion is concerned. As  
7 far as safety valve is concerned, I am not going to apply  
8 that. And so that means that as we move forward and consider  
9 the 3553 factors, the guidelines are as I originally stated,  
10 total offense level of 13.

11 **MR. GERALD:** Your Honor, may I interrupt? I  
12 apologize.

13 **THE COURT:** Uh-huh.

14 **MR. GERALD:** I'd like to for a second make sure  
15 I'm clear on the basis of the Court's rejection of the safety  
16 valve. Is it based on the fact that Mr. Weatherly saw the  
17 gun immediately before exiting the vehicle?

18 I would respectfully agree with Probation,  
19 Mr. Grandberry, that there's no indication in the facts that  
20 Mr. Weatherly possessed the firearm, ever had it in his  
21 possession or really near him and that the language of 5C1.2  
22 Subsection 2 does specifically say the defendant did not --  
23 and I -- use credible violence or credible threats of  
24 violence or possess a firearm or other dangerous weapon. I  
25 think that's a different standard than aiding and abetting,



1 and I would ask the Court to reconsider that.

2           The other thing, before the Court completely  
3 rejects the safety valve, I would like to discuss with  
4 Mr. Weatherly if -- and if the Court will allow it, to hear  
5 from Mr. Weatherly, as to his knowledge of the firearm. I  
6 would argue that if he's getting ready to get out of a car  
7 and he sees the car for the first time, I don't know if that  
8 actually is aiding and abetting if he's discouraging  
9 Mr. Silas from bringing the firearm in the first place into  
10 his belief until that very moment did not believe that there  
11 was a firearm in the car. And I don't know if that's -- if  
12 Mr. Weatherly testified to that under oath if that would  
13 affect the Court's decision.

14           And I will say that the -- and I had this  
15 conversation with Mr. Grandberry prior to court -- that the  
16 safety valve only really makes a difference of one offense  
17 level because of the way the acceptance works. He only gets  
18 two points for acceptance with the application of the safety  
19 valve as opposed to three points if there is no safety valve.  
20 So it really only makes a one-level difference.

21           I would just ask the Court how you wish me to  
22 proceed, if you'd like me to ask Mr. Weatherly to take the  
23 stand and testify to that; and I want to be clear as to the  
24 basis of the rejection of the safety valve.

25           **THE COURT:** I think I've been pretty clear on the

1 basis of rejecting the safety valve. Under the law,  
2 individuals can possess items, firearms, in more than one  
3 way: Actual possession and constructive possession. I don't  
4 know that the guideline goes into that for the safety valve.  
5 Many a case has proceeded and the law has proceeded that  
6 there are different ways to possess.

7 Obviously this was not actual possession. But  
8 I -- it's clear in the record, at least the way it is to me  
9 right now, that there was constructive possession, and that  
10 it was possessed in furtherance of a drug-trafficking  
11 offense.

12 Now you can make your record if you want to  
13 present proof, your client's testimony, things of that  
14 nature.

15 **MR. GERALD:** Well, I think in that regard the  
16 submission of -- if we can admit that affidavit as Exhibit 1.

17 **THE COURT:** We'll go ahead and receive it as  
18 Exhibit 1.

19 **MR. GERALD:** Then that would probably cover any  
20 testimony Mr. Weatherly would present.

21 **THE COURT:** Okay. That's fine.

22 **MR. GERALD:** Thank you, Your Honor.

23 (WHEREUPON, the above-mentioned document was  
24 marked as Exhibit Number 1.)

25 **THE COURT:** We'll go ahead and receive it as

1 Exhibit Number 1. Anything further?

2 **MR. GERALD:** Not on that topic, Your Honor.

3 Thank you.

4 **THE COURT:** Let's go ahead and proceed with the  
5 consideration of the 3553 factors.

6 First the Government?

7 **MR. CROW:** Yes, Your Honor. As the Court has  
8 noted numerous times already today this was a very serious  
9 offense. Any time you sell felony amounts of any drug,  
10 especially something like MDMA, it's a serious offense; and I  
11 know the Court obviously recognizes that, especially when  
12 there are firearms present, whether or not he possessed them.  
13 I mean, that obviously does change the severity of how  
14 serious it is. But it's serious regardless if you're selling  
15 drugs when there's guns around.

16 I have to recognize this Defendant has no  
17 criminal history. I also recognize he's probably a drug  
18 addict, and that may have led to many of the decisions he's  
19 made here. Obviously it does not excuse them, and I'm  
20 certainly not asking the Court to do that, but I think it's  
21 something the Court should consider.

22 Most concerning to me beyond just the fact that  
23 he sold drugs is in Paragraph Number 7 of the Presentence  
24 Report, in which he was supposed to be providing a urine  
25 sample and it was discovered that the Defendant had a plastic

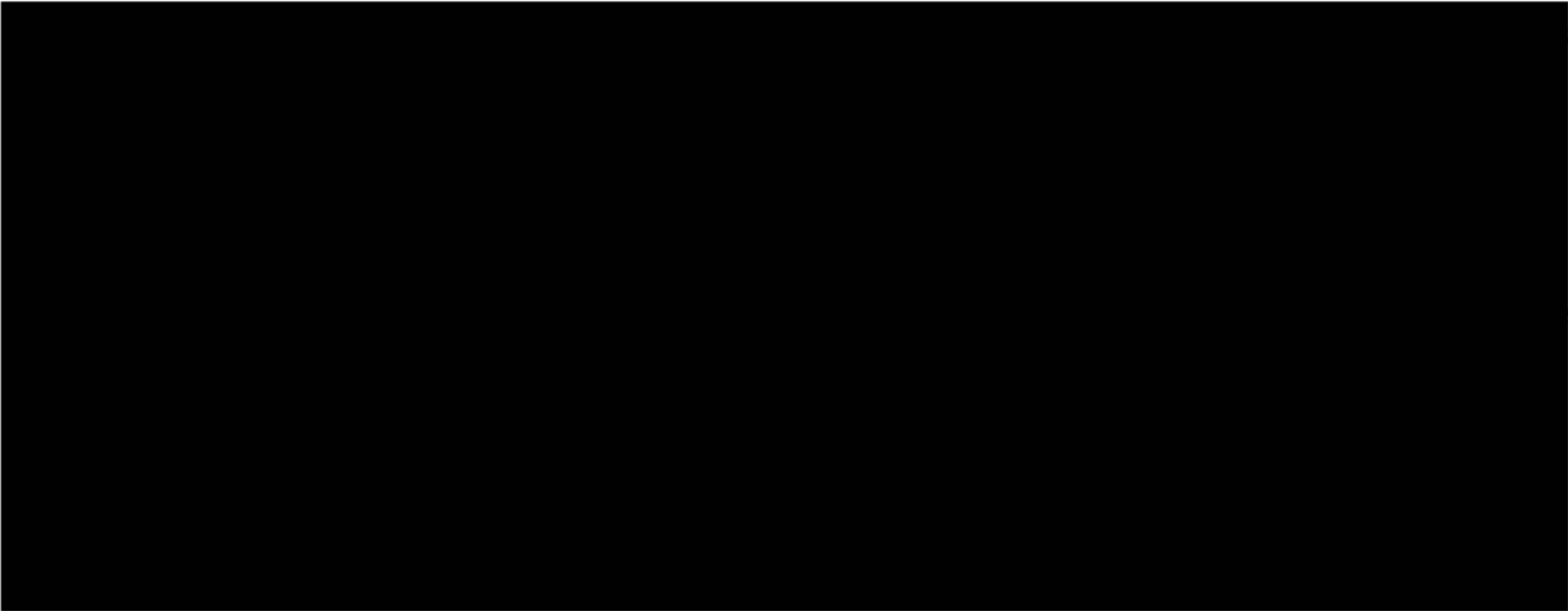
1 pouch full of urine and wrapped in a hand warmer pad. The  
2 device was taped to the Defendant's abdomen area and a tube  
3 and nozzle were attached to the device. That goes above and  
4 beyond just having a drug problem. That shows an attempt to  
5 deceive. It also shows, you know -- and not just deceive  
6 Probation but deceive you too, Judge, because you're the one  
7 who is going to get to see this eventually. So that concerns  
8 me more than just about anything else in this Presentence  
9 Report, and for that reason, I would strongly recommend that  
10 he not receive probation or time served, that he in fact  
11 receive a guideline sentence. I think 12 months, the low end  
12 of the guidelines, given his criminal history is enough that  
13 will hopefully deter this Defendant from committing future  
14 misconduct and hopefully stop doing drugs because that seems  
15 to be the basis of many of his problems. So 12 months is  
16 what we're asking for Your Honor that is sufficient but not  
17 greater than necessary.

18 **THE COURT:** All right. Thank you.

19 Let me hear from the Defense, Mr. Gerald.

20 **MR. GERALD:** I agree with the Government and  
21 Mr. Crow that Mr. Weatherly is a drug addict, and if you --  
22 if the Court in referring to Presentence Report Paragraph 3  
23 through 15 are all about Mr. Weatherly's drug addiction, drug  
24 use, drug rehabilitation, actions of a drug addict, arrest  
25 for violations, going all the way to Paragraph 12.

1           He was living in hotels because his wife who is  
2 present in the courtroom had kicked him out of the house.  
3 He's a drug addict, and his -- and he needs drug  
4 rehabilitation. He doesn't necessarily need vocational  
5 training. He doesn't need -- he's got his GED, but he needs  
6 drug rehab, and he needs the motivation -- and he would tell  
7 you that he needs the motivation to go to drug rehab. He  
8 needs something over his head like this court, the threat of  
9 jail, to convince him that he needs rehab; but it's not just  
10 drug rehab that he needs. He also needs mental health  
11 counseling. That's Paragraph 44 of the Presentence Report

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13  
14  
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17  
18  
19           He needs help. Otherwise we're going to see him  
20 back, and I believe and his family believes that if he gets  
21 that help we won't see him back.

22           He made a mistake, but the mistake was based on  
23 his addiction, and it's not an excuse but it is an  
24 explanation. I think that the Court -- a 12-month sentence  
25 is more than necessary, more than needed. The only purpose

1 jail -- he's not going to be in custody long enough to get  
2 into the RDAP, the residential drug program. He's got  
3 essentially, I believe, about two months credit. He's got  
4 30 days in since his previous arrest for pretrial violations,  
5 and he had somewhere around 19 days. So he's got about a  
6 month and a half time credit, maybe a little more.

7 I'm not sure what he's going to get done in jail  
8 in terms of rehabilitation and anything to help us all assure  
9 he becomes a productive member of our community given the  
10 short timeframe that he's looking at, at least I hope. I'm  
11 not sure where the Court's going.

12 But in my humble opinion, jail serves one purpose  
13 and that is in this case deterrence, and that is a valid  
14 purpose under the guidelines under 3553. However, in this  
15 case, I would ask the Court to consider because he was prior  
16 to -- when the safety valve was -- he was eligible -- I'm not  
17 sure he is anymore. He is. He's a level 13 now. So he is  
18 eligible for split confinement.

19 I would ask the Court to consider a split  
20 confinement sentence, but something that he would be eligible  
21 for -- I believe Mr. Grandberry -- six months. Six months of  
22 custody followed by six months of home detention.

23 I don't believe home detention is the answer  
24 here. I believe that what he needs is a supervised release  
25 violation -- supervised release condition that would mandate

1 he complete an inpatient drug rehabilitation and counseling,  
2 psychological counseling to help him get on track and  
3 hopefully stay on track.

4 I would ask the Court to consider a six-month  
5 sentence or something with that being the low end, but  
6 something in that neighborhood, followed by a period of  
7 supervised release with a mandated condition of inpatient  
8 treatment. That's what I'm asking the Court to do.

9 I too understand the Court's concerns about the  
10 sentencing issues with African-American defendants versus  
11 white defendants. I think there's a general consensus in the  
12 country that things are wrong. I think Congress is taking  
13 some of that up now, and they are looking at it specifically  
14 in the unfair, if you will, sentencing impact on our minority  
15 communities, and I agree with that wholeheartedly.

16 I don't believe that Mr. Weatherly is someone who  
17 deserves, given his role in this offense, given his criminal  
18 history, and given the addiction issues as someone who  
19 deserves an upward variance or doesn't deserve a downward  
20 variance at some sort. I think he needs drug rehabilitation.

21 I know his wife and his parents are here, and I  
22 know they would like to briefly address the Court as to  
23 Mr. Weatherly in terms of his character also whenever the  
24 Court's ready.

25 **THE COURT:** I'm ready now. Why don't you bring

1       them forward. Mr. Weatherly, have a seat over here.

2                   **MR. GERALD:** Is up here okay with the Court?

3                   **THE COURT:** Okay. I'd like to place you under  
4       oath and then I'm happy to hear from you.

5                   (Ms. Heydari sworn in.)

6                   **THE COURT:** If you would please, state your name  
7       for the record, please, spell it, and I'm happy to hear from.

8                   **MS. HEYDARI:** Sarah Heydari, S-A-R-A-H,  
9       H-E-Y-D-A-R-I.

10                   As far as this new thing about the gun, I  
11       suppose, just -- Jared really values life probably more than  
12       I've ever met anyone really value life, and I mean, he  
13       wouldn't even kill a snake. I had to. And I promise, he's  
14       just a wonderful person. He's been absolutely amazing to my  
15       little girl. She loves him. And I know that like everything  
16       that's -- you know, he has had to endure along with anyone  
17       that comes in and out of these doors, you know, I think they  
18       just need some sort of rehab of some kind.

19                   I know that like he's just -- there is a chance  
20       if he goes to prison he's just going to come back. I do  
21       believe that. And I do believe that with the proper mental  
22       treatment and help, I think he would be a wonderful person or  
23       a better person and serve his community. I think he could be  
24       a very valuable asset.

25                   And, I mean, he's extremely smart. I think he



1 just needs a little more guidance and just the tools that I  
2 don't think, you know, prison can provide him, and that's  
3 with any person dealing with some sort of addiction of any  
4 kind. You can't just -- if it's an option to give him rehab,  
5 please, I would -- I really need him to be able to stay on  
6 the right track, and I don't think prison is going to keep  
7 him from doing that. It's going to keep him just going off.  
8 So that's really all I have to say.

9 **THE COURT:** All right. Thank you for coming down  
10 today. I really appreciate it.

11 **MR. GERALD:** If I could have a quick second.

12 **THE COURT:** Come forward. If you would please --  
13 again, I'd like to place you under oath and then get your  
14 name on the record. So if you would please raise your right  
15 hand.

16 (Ms. Weatherly sworn in.)

17 **THE COURT:** You need to speak just a little  
18 louder.

19 **MS. WEATHERLY:** I'm sorry.

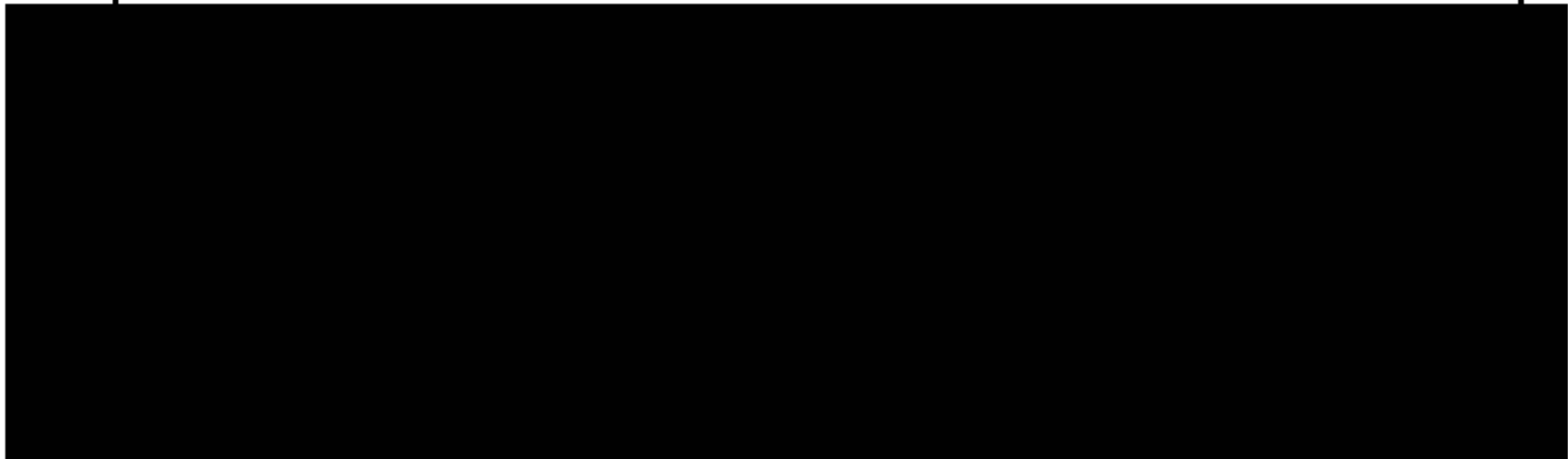
20 **THE COURT:** If you could please state your name  
21 for the record, please, and spell your name.

22 **THE WITNESS:** It's Lisa Weatherly,  
23 W-E-A-T-H-E-R-L-Y.

24 I realize that my son has pled guilty to the  
25 charge of conspiracy to distribute a controlled substance and

1 this is a serious crime. I just wanted to mention a few  
2 things that my son has gone through in his life that most  
3 people couldn't deal with.

4 Between the ages of 24 and 30, he lost a baby  
5 girl at two and a half months, and a couple of years later



12 is too much for anyone to wrap their head around, and Jared  
13 suffered from a lot of depression and anxiety and panic  
14 attacks since that time, and it's just my hope that his  
15 sentence will include some type of mental health evaluation  
16 and they can figure out what treatment he needs to cope with  
17 life and everything that he's been through in a more positive  
18 manner, and I just hope the Court will consider all this when  
19 sentencing him. And we love and support our son and we thank  
20 you for your time.

21 **THE COURT:** Thank you, Ms. Weatherly.

22 **MR. GERALD:** Your Honor, that would conclude any  
23 testimony.

24 **THE COURT:** All right.

25 **MR. GERALD:** I would also add -- and one thing I

1 forgot to tell -- advise the Court is that upon his arrest  
2 Mr. Weatherly immediately waived his Miranda rights and gave  
3 a full inculpatory statement. So he has been -- he has  
4 accepted responsibility from the initial arrest all the way  
5 to today.

6 I have nothing further, Your Honor.

7 **THE COURT:** All right. Thank you.

8 Mr. Weatherly, as I told you before, you do have  
9 the right to make a statement today. It is your hearing  
10 today. You don't have to if you don't want to, but if  
11 there's something you want to say, something that will help  
12 me in the decision I'm about to make, I'm happy to hear from  
13 you.

14 If you do want to make a statement, I need to  
15 place you under oath. Anything you want to say?

16 **MR. GERALD:** Your Honor, he's written out a  
17 statement, and he would like me to read it if that's okay for  
18 the Court. He's a nervous wreck.

19 **THE COURT:** That's fine. You can go ahead,  
20 Mr. Gerald.

21 **MR. GERALD:** I'm going to --

22 He would state, I've been clean the longest  
23 period of my adult life. What is now clear to me I've just  
24 been afraid for a long time to live. I've been stuck in my  
25 past for too long and now I have this overwhelming clarity.

1 I've been blessed in many ways -- so many ways that I could  
2 not even see all because of fear. I have the most loving  
3 family anyone could ask for. I have the most amazing,  
4 beautiful wife any man could ever imagine, the cutest and  
5 smartest stepdaughter and a mother I put through hell and has  
6 at no point ever doubted who I really am and always believed  
7 in me, even long after I had given up on myself.

8 But most of all I want to prove to myself and  
9 this Court and my family that all this is the past and that  
10 this man standing here today is and will continue to reach  
11 his potential in a positive way.

12 So he's basically -- and then -- we discussed and  
13 he would also add that he would like some type of rehab  
14 regardless of when that occurs, and that as an addict he's of  
15 no benefit to his family whatsoever.

16 Is that accurate?

17 **THE DEFENDANT:** Yeah.

18 **THE COURT:** Anything further?

19 **MR. GERALD:** No, Your Honor.

20 **THE COURT:** Okay. Thank you.

21 Mr. Crow, anything further?

22 **MR. CROW:** No, Judge.

23 **THE COURT:** All right. I'm going to take it  
24 under advisement. I'll consider everything that's been  
25 presented to me today. I'll make the final decision when we

1 come back. Mr. Herrin, I need for you to find a date  
2 hopefully some time in December, but if not, we may need to  
3 go over into January.

4 **THE CLERK:** Tuesday, December 18th, 11:00 a.m.

5 **THE COURT:** How does that sound?

6 **MR. CROW:** That should be fine, Your Honor.

7 **MR. GERALD:** That sounds good. I have a trial  
8 set in Jackson, but I anticipate my client pleading guilty  
9 tomorrow. So, if that changes, I will notify the Court  
10 immediately.

11 **THE COURT:** Okay. All right.

12 Otherwise I'll see everybody back on that date  
13 and I'll make the final decision at that time.

14 **MR. GERALD:** And, I'm sorry, what was the time of  
15 day?

16 **THE CLERK:** 11:00 a.m.

17 **THE COURT:** Let's go ahead and adjourn court.

18 (Adjournment.)  
19  
20  
21  
22  
23  
24  
25

**C E R T I F I C A T E**

I, LISA J. MAYO, do hereby certify that the foregoing 30 pages are, to the best of my knowledge, skill and abilities, a true and accurate transcript from my stenotype notes of the SENTENCING HEARING on 29th day of November, 2018, in the matter of:

United States of America

vs.

JARED WEATHERLY

Dated this 11.29.18.

S/Lisa J. Mayo

LISA J. MAYO, LCR, RMR, CRR  
Official Court Reporter  
United States District Court  
Western District of Tennessee